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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,988	04/19/2004	Ken Shiozaki	USUI-13W	3495
1218	7590	06/12/2007	EXAMINER	
CASELLA & HESPOS 274 MADISON AVENUE NEW YORK, NY 10016			BERTHEAUD, PETER JOHN	
			ART UNIT	PAPER NUMBER
			3746	
			MAIL DATE	DELIVERY MODE
			06/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/826,988

Applicant(s)

SHIOZAKI ET AL.

Examiner

Peter J. Bertheaud

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/19/04, 8/16/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: reference number 16 is not described in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Shiozaki 2002/0003075.

Shiozaki teaches a fan assembly comprising an interior of a sealing housing 2 constructed by a case of a non-magnetic material supported through a bearing 13 on a rotating shaft body 1 fixedly attaching a drive disk 3 to its tip and a cover 2-2 attached to this case is partitioned into an oil reservoir chamber 5 and a torque transmission chamber 6 for internally mounting said drive disk 3 by a partition plate 4; a dam 15 is arranged in one portion of the inner circumferential wall face of the cover opposed to the outer circumferential wall portion of the drive disk 3 for collecting and reservoiring oil at the rotating time, and a valve member 9 having a magnetic property and opening and closing an oil circulating flow passage formed between the torque transmission chamber 6 and the oil reservoir chamber 5 is connected to the dam 15 and is arranged within the oil reservoir chamber 5; an electromagnet 11 is supported by said rotating shaft body 1 through the bearing 14 on the oil reservoir chamber 5 side of said sealing housing, and a mechanism for controlling the opening and closing of the oil circulating flow passage is constructed by operating said valve member 9 by the electromagnet 11; and the external control type fan clutch is constructed by a system for controlling rotating torque transmission from the drive side to the driven side by increasing and decreasing an effective contact area of the oil in a torque transmission clearance portion formed by the drive side and the driven side (see para. 7) wherein the opening and closing of said valve member are controlled on the basis of at least one signal of the cooling liquid temperature of a radiator, a fan rotating speed, the temperature of transmission oil, a

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vehicle speed, an engine rotating speed, the pressure of a compressor of an air conditioner, and a turning-on or turning-off signal of the air conditioner (see para. 2); and, wherein a magnetic material of a ring shape 11-1 is arranged between said electromagnet and the valve member, and is constructed by assembling the magnetic material into the sealing housing so as to transmit a magnetic flux of the electromagnet to the valve member through the magnetic material (see col. 5, lines 13-27).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiozaki 6,550,596.

6. Shiozaki teaches a control method of an external control system fan clutch wherein the interior of a sealing housing 2 constructed by a case of a non-magnetic material supported through a bearing 13 on a rotating shaft body 1 fixedly attaching a drive disk 3 to its tip and a cover 2-2 attached to this case is partitioned into an oil reservoir chamber 5 and a torque transmission chamber 6 for internally mounting said drive disk 3 by a partition plate 4; a dam 15 is arranged in one portion of the inner circumferential wall face of the cover opposed to the outer circumferential wall portion of the drive disk 3 for collecting and reservoiring oil at the rotating time, and a valve

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member 9 having a magnetic property and opening and closing an oil circulating flow passage formed between the torque transmission chamber 6 and the oil reservoir chamber 5 is connected to the dam 15 and is arranged within the oil reservoir chamber 5; an electromagnet 11 is supported by said rotating shaft body 1 through the bearing 14 on the oil reservoir chamber 5 side of said sealing housing, and a mechanism for controlling the opening and closing of the oil circulating flow passage is constructed by operating said valve member 9 by the electromagnet 11; and the external control type fan clutch is constructed by a system for controlling rotating torque transmission from the drive side to the driven side by increasing and decreasing an effective contact area of the oil in a torque transmission clearance portion formed by the drive side and the driven side (see col. 2, lines 16-27). Although not explicitly stated, it is obvious that the apparatus of Shiozaki is capable of performing a method wherein an upper limit rotating speed is set to an optimum fan rotating speed required from the engine side (see col. 10, lines 14-23); a fan rotating speed control signal is temporarily stopped on the basis of the differential speeds between an engine rotating speed, the fan rotating speed and said optimum fan rotating speed; the fan rotating speed control signal is temporarily stopped on the basis of an engine rotating acceleration or an accelerator (throttle) position acceleration; or a limit is given to a changing rate of the optimum fan rotating speed on the basis of the changing rate of said optimum fan rotating speed (see col. 9, lines 38-48); and, wherein a magnetic material of a ring shape 11-1 is arranged between said electromagnet and the valve member, and is constructed by assembling the magnetic material into the sealing housing so as to transmit a magnetic flux of the

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electromagnet to the valve member through the magnetic material (see col. 5, lines 13-27).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J. Bertheaud whose telephone number is (571) 272-3476. The examiner can normally be reached on M-F 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PJB

6/5/07

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